

TTAB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

(Opposer's Reference: HTV 01/07241)

In the Matter of Application Serial No. 76/109,268  
Published on September 11, 2001



01-08-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #74

-----X  
**HTV, LLC,**

Opposer,

- against -

**HISPANIC TELEVISION NETWORK,  
INC.,**

Applicant.  
-----X

Opposition No.

**NOTICE OF OPPOSITION**

Box TTAB - FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3515

Opposer, HTV, LLC, a Delaware limited liability company located and doing business at 404 Washington Avenue, Miami Beach, Florida, believes it will be damaged by registration of the mark "HTVN & Design" sought to be registered in Application Serial No. 76/109,268, published in the Official Gazette on September 11, 2001 for "television broadcasting services," and having petitioned for extensions of time to oppose until January 9, 2002, hereby opposes the same. As grounds for its opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

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"Express Mail" mailing label No. EL 920526546 US Date of Deposit January 8, 2002  
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Patricia Zervos  
(Printed name of person mailing paper or fee)

Patricia Zervos  
(Signature)

1. HTV is a television company that specializes in the Hispanic music business with a network of representative stations throughout the world, including the United States. HTV airs music videos and other music performance programs.

2. Since at least as early as 1995, and prior to any date upon which Applicant can rely, Opposer has used the mark HTV on its services in the United States, and is continuing to do so. Opposer has invested a substantial amount of time, effort and money in promoting its HTV mark. As a result, the mark has become distinctive of Opposer's services and has come to represent enormous goodwill for Opposer.

3. HTV is the owner by assignment of U.S. Federal Registration No. 2,008,752, issued October 15, 1996, for the mark H TV and Design. The registration reflects a first use date of September 1, 1995, long prior to any date on which Applicant can rely. Opposer's registration is valid, subsisting, and in full force and effect. As such, this registration serves as conclusive evidence of Opposer's exclusive rights to use the mark.

4. On August 16, 2000, Applicant filed the application at issue to register the mark HTVN & Design for "television broadcasting services" in International Class 38, claiming a date of first use and first use in commerce as November 19, 1999. On information and belief, Applicant made no use of this mark prior to the date of first use claimed in its application.

5. The mark Applicant seeks to register is similar in sound, meaning and commercial impression to Opposer's HTV trademark, and will be used on services that are identical to the services for which Opposer uses its registered mark. Based on the similarities of the marks and services, the public is likely to associate the services offered by Applicant under its mark with Opposer or with Opposer's services, or to believe that Applicant's services are sponsored,

endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

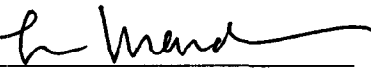
6. For the above reasons, any use of the mark HTVN and Design by Applicant is likely to cause confusion or mistake or deceive the public, and cause the public to believe that the services associated with this mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d).

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 76/109,268 be denied.

The Opposition fee in the amount of \$300.00 for one class is filed herewith. If for any reason this amount is insufficient, please charge Opposer's attorneys' Deposit Account No. 230825-0576900 with any deficiency. This paper is filed in duplicate.

Dated: New York, New York  
January 8, 2002

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

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